



U. S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

May 13, 2003

Mr. John R. Sartin
Superintendent, Parish School Board
P.O. Box 599
Rayville, Louisiana 71269

Mr. David A. Creed
Executive Director
North Delta Regional Planning & Development District
1913 Stubbs Avenue
Monroe, Louisiana 71201

Dear Messrs. Sartin and Creed:

This refers to the 2002 redistricting plan for the Richland Parish School District in Richland Parish, Louisiana, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your most recent partial responses to our August 13, 2002, request for additional information, and our October 30 and December 6, 2002, and March 11, 2003, followup requests on March 14 and April 21, 2003.

We have carefully considered the information you have provided, as well as information in our files, census data, and information and comments from other interested persons. In light of the considerations discussed below, I cannot conclude that your burden under Section 5 of the Voting Rights Act has been sustained in this instance. Therefore, on behalf of the Attorney General, I am compelled to object to the 2002 redistricting plan.

The school district's failure to respond completely to our August 13, 2002, written request for additional information, as well as our three followup requests, has hampered our review of your submission. The purpose of these requests is to identify the information necessary to assist the Department in its analysis of whether a covered jurisdiction has met its burden of proof under Section 5. Our prior letters have identified several items of information, which are routinely provided in submissions, and should be readily available to you that you have neither provided nor indicated are not available. We have proceeded to analyze your submission based on the information you did make available and the information we were able to gather on our own.

According to the 2000 Census, the school district has a total population of 20,981, of whom 7,939 (37.8%) are black. The school board has nine members, all elected from single-member districts to concurrent four-year terms in even-numbered, non-presidential election years. Under 2000 Census data, black persons constituted a substantial majority of both the total and voting age populations in three of the nine districts in the 1993 benchmark plan and black voters have consistently elected candidates of choice in these three districts. Under the proposed plan, black voters will continue to have the ability to elect candidates of their choice in two of these three districts (Districts 3 and 6).

The proposed changes to the third district located in the Delhi area, which was known as District 2 under the benchmark plan, reduce the black share of the total population in District 2 by 15.5 percentage points, and reduce the black share of the voting age population by 18 percentage points. However, because of the school board's failure to provide the necessary data that we have requested on several occasions, we are unable to conclude that this change is not, in fact, retrogressive, and will continue to allow black voters the ability to elect candidates of choice.

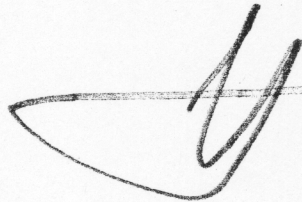
Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has neither a discriminatory purpose nor a discriminatory effect. Georgia v. United States, 411 U.S. 526 (1973); Reno v. Bossier Parish School Board, 528 U.S. 320 (2000); see also Procedures for the Administration of Section 5 (28 C.F.R. 51.52). The school district has not carried its burden of proof under Section 5 of showing that implementation of the proposed plan will not have a

retrogressive effect on the ability of minority voters to effectively exercise their electoral franchise. Therefore, on behalf of the Attorney General, I must object to the submitted redistricting plan.

Under Section 5 you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that the proposed change neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group. See 28 C.F.R. 51.44. In addition, you may request that the Attorney General reconsider the objection. See 28 C.F.R. 51.45. Should you make such a request, we would ask that the school board provide the information identified previously as necessary to complete our analysis. However, until the objection is withdrawn or a judgment from the District of Columbia Court is obtained, the change continues to be legally unenforceable. Clark v. Roemer, 500 U.S. 646 (1991); 28 C.F.R. 51.10.

To enable us to meet our responsibility to enforce the Voting Rights Act, please inform us of the action the Richland Parish School District plans to take concerning this matter. If you have any questions, you should call Mr. Chris Herren (202-514-1416), an attorney in the Voting Section. Refer to File No. 2002-3400 in any response to this letter so that your correspondence will be channeled properly.

Sincerely,

A handwritten signature in dark ink, appearing to be 'RFB', written over a horizontal line.

Ralph F. Boyd, Jr.
Assistant Attorney General